

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GRANT HOUSE, et al,
Plaintiffs,

CASE NO. 4:20-cv-03919-CW

v.

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, et al.
Defendants.



DECLARATION OF MONICA ROBERTS

Monica Roberts, being first duly sworn, declares:

1. I am employed by Ball State University as its Interim Registrar and received all information herein in that capacity.
2. In the course of this pending litigation, Ball State University received a subpoena from Plaintiff's counsel directing production of information pertaining to Ball State student athletes and their receipt and involvement in transactions related to the merchandising of their name, image, or likeness.
3. Ball State complied with the subpoena and produced information to Plaintiff's counsel that complied with the directives in the subpoena.
4. I have reviewed one excerpt from the Expert Report of Catherine Tucker, filed in this case at ECF Filing No. 251-1. In that report, at page 212, Paragraph 251(c), Ms. Tucker identified a Ball State student athlete by name twice.
5. Ball State University is under a legal obligation not to disclose, and to protect from disclosure, identifying information concerning its students pursuant to the Family Educational Rights and Privacy Act, 20 USC Section 1232g, 34 CFR Part 99. ("FERPA"). The student athlete's name as it appears in University records of the Athletics Department is a

protected educational record under FERPA.

6. The student athlete identified by Ms. Tucker has not consented to the public disclosure of his educational records.

7. In the interest of protecting the student's rights to privacy under FERPA, I request that the Court maintain under seal the identity of the student athlete named at Paragraph 251(c) of Ms. Tucker's report by redacting any references to the name of the student athlete identified in Ms. Tucker's report.

I declare pursuant to Title 28, Section 1746 of the United States Code and the penalties for perjury of the laws of the United States of America that the foregoing information is true and accurate to the best of my knowledge and belief.

Dated: 9/26/2023

A handwritten signature in black ink, appearing to read "Monica Roberts", with a stylized flourish at the end.

Monica Roberts, Interim Registrar,
Ball State Univeristy